

REMARKS/ARGUMENTS

As advised by the examiner, the trademark CARBOPOL is now capitalized wherever it appears and is accompanied by the generic terminology. Paragraph [0037] of the Specification is therefore amended accordingly.

Claim 6 is now amended to remove the period added after the recitation of glabridin on line 6.

Claim 11 is now amended to include the word "or" prior to the recitation of "tomato extract" in order for the claim to be grammatically correct.

Claims 6, 18 and 19 are now amended to particularly point out and distinctly claim the subject matter of the invention. Accordingly Claim 6 now recites only the broad recitation "0.1% to 3% w/w" for the concentration of glabridin, and the broad recitation "0.1% w/w to about 5% w/w" for the total concentration of tyrosinase inhibitors. The recitation of Claim 18 is amended for clarity as 'hyperpigmentation, melasma, age spots or freckles'. The recitation of Claim 19 is amended for clarity as 'blemishes and blackheads'.

In response to the requirement of restriction election wherein the applicant was asked to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (Restriction requirement described on page 4 in the Office action dated February 24, 2004), the applicants elected the "Extract" species as "Supercritical Extract". Preliminary experimental data gathered by the applicants reveal that glabridin- enriched extract prepared by supercritical extraction as described in the current Specification offers superior benefits when used in a topical skin whitening cream composition. Applicants therefore believe that the supercritical extract species of the current invention is distinct from the extract used in composition of the prior art (Kyrou et al.) cited in the Office communication dated October 6, 2004.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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